

SENATE AMENDMENTS

2nd Printing

By: Martinez

H.B. No. 671

A BILL TO BE ENTITLED

1 AN ACT
2 relating to establishment of the disaster identification system for
3 a declared state of disaster.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 418.004, Government Code, is amended by
6 adding Subdivision (3-a) to read as follows:

7 (3-a) "Illuminated display" means a device that is
8 capable of displaying a flashing light and a continuous light in
9 either the color white or the colors blue, green, red, and yellow.

10 SECTION 2. Section 418.015(a), Government Code, is amended
11 to read as follows:

12 (a) An executive order or proclamation declaring a state of
13 disaster:

14 (1) activates the disaster recovery and
15 rehabilitation aspects of the state emergency management plan
16 applicable to the area subject to the declaration; ~~and~~

17 (2) authorizes the deployment and use of any forces to
18 which the plan applies and the use or distribution of any supplies,
19 equipment, and materials or facilities assembled, stockpiled, or
20 arranged to be made available under this chapter or other law
21 relating to disasters; and

22 (3) activates for the area subject to the declaration
23 the disaster identification system described by Section 418.0151.

24 SECTION 3. Subchapter B, Chapter 418, Government Code, is

1 amended by adding Section 418.0151 to read as follows:

2 Sec. 418.0151. DISASTER IDENTIFICATION SYSTEM. (a) In an
3 area subject to a state of disaster declaration, a person may elect
4 to participate in the disaster identification system activated for
5 the area. The system must authorize the use of an illuminated
6 display to communicate with disaster relief personnel.

7 (b) A person participating in the disaster identification
8 system shall:

9 (1) affix to each individual and domesticated animal
10 in the person's household an illuminated display of the following
11 colors:

12 (A) if the person has a monochromatic illuminated
13 display, the color white for each individual and animal; or

14 (B) if the person has a multicolored illuminated
15 display:

16 (i) blue for each individual 18 years of age
17 or older;

18 (ii) green for each individual with a
19 disability;

20 (iii) red for each individual younger than
21 18 years of age; and

22 (iv) yellow for each animal; and

23 (2) using the illuminated display, signal to disaster
24 relief personnel responding to the area after the disaster with:

25 (A) a continuous light on the display of each
26 household member who does not need medical assistance; or

27 (B) a flashing light on the display of each

1 household member who needs medical assistance.

2 (c) Disaster relief personnel may patrol the designated
3 disaster area by air or ground at night to locate individuals or
4 animals with activated illuminated displays.

5 SECTION 4. Section 418.042(a), Government Code, is amended
6 to read as follows:

7 (a) The division shall prepare and keep current a
8 comprehensive state emergency management plan. The plan may
9 include:

10 (1) provisions for prevention and minimization of
11 injury and damage caused by disaster;

12 (2) provisions for prompt and effective response to
13 disaster;

14 (3) provisions for emergency relief;

15 (4) provisions for energy emergencies;

16 (5) identification of areas particularly vulnerable
17 to disasters;

18 (6) recommendations for zoning, building
19 restrictions, and other land-use controls, safety measures for
20 securing mobile homes or other nonpermanent or semipermanent
21 structures, and other preventive and preparedness measures
22 designed to eliminate or reduce disasters or their impact;

23 (7) provisions for assistance to local officials in
24 designing local emergency management plans;

25 (8) authorization and procedures for the erection or
26 other construction of temporary works designed to protect against
27 or mitigate danger, damage, or loss from flood, fire, or other

1 disaster;

2 (9) preparation and distribution to the appropriate
3 state and local officials of state catalogs of federal, state, and
4 private assistance programs;

5 (10) organization of manpower and channels of
6 assistance;

7 (11) coordination of federal, state, and local
8 emergency management activities;

9 (12) coordination of the state emergency management
10 plan with the emergency management plans of the federal government;

11 (13) coordination of federal and state energy
12 emergency plans;

13 (14) provisions for providing information to local
14 officials on activation of the Emergency Alert System established
15 under 47 C.F.R. Part 11;

16 (15) a database of public facilities that may be used
17 under Section 418.017 to shelter individuals during a disaster,
18 including air-conditioned facilities for shelter during an extreme
19 heat disaster and fortified structures for shelter during a wind
20 disaster;

21 (16) provisions for quickly replenishing the food
22 supplies of area food banks or food pantries following a disaster;

23 (17) provisions for the use of the disaster
24 identification system described by Section 418.0151; and

25 (18) [~~17~~] other necessary matters relating to
26 disasters.

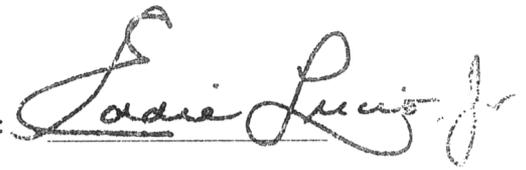
27 SECTION 5. This Act takes effect September 1, 2021.

ADOPTED

MAY 26 2021

FLOOR AMENDMENT NO. 1

BY:




Secretary of the Senate

1 Amend H.B. No. 671 (senate committee report) by adding the
2 following appropriately numbered SECTIONS to the bill and
3 renumbering subsequent SECTIONS of the bill accordingly:

4 SECTION ____ Chapter 418, Government Code, is amended by
5 adding Subchapter J to read as follows:

6 SUBCHAPTER J. WELLNESS CHECKS FOR MEDICALLY FRAGILE

7 INDIVIDUALS DURING CERTAIN EMERGENCIES

8 Sec. 418.301. DEFINITIONS. In this subchapter:

9 (1) "Commission" means the Health and Human Services
10 Commission.

11 (2) "Department" means the Department of State Health
12 Services.

13 (3) "Emergency assistance registry" means the registry
14 maintained by the division that provides local emergency planners
15 and emergency responders with additional information on the needs
16 of certain individuals in their communities.

17 (4) "First responder" means any federal, state, or local
18 personnel who may respond to a disaster, including:

19 (A) public health and public safety personnel;

20 (B) commissioned law enforcement personnel;

21 (C) fire protection personnel, including volunteer
22 firefighters;

23 (D) emergency medical services personnel, including
24 hospital emergency facility staff;

25 (E) a member of the National Guard; or

26 (F) a member of the Texas State Guard.

27 (5) "Medically fragile individual" means any individual
28 who, during a time of disaster or emergency, would be particularly
29 vulnerable because of a medical condition, including individuals:

1 (A) with Alzheimer's disease and other related
2 disorders;

3 (B) receiving dialysis services;

4 (C) who are diagnosed with a debilitating chronic
5 illness;

6 (D) who are dependent on oxygen treatment; and

7 (E) who have medical conditions that require 24-
8 hour supervision from a skilled nurse.

9 Sec. 418.302. MEDICALLY FRAGILE INDIVIDUAL DESIGNATION. The
10 division shall develop a process for designating individuals who
11 are included in the emergency assistance registry as medically
12 fragile for the purposes of this chapter.

13 Sec. 418.303. EMERGENCY ASSISTANCE REGISTRY ACCESS. The
14 division shall authorize the following persons to access the
15 emergency assistance registry to assist medically fragile
16 individuals during an event described by Section 418.305:

17 (1) the commission;

18 (2) the department;

19 (3) first responders;

20 (4) local governments; and

21 (5) local health departments.

22 Sec. 418.304. REQUIRED WELLNESS CHECK. The division shall
23 collaborate with the persons authorized to access the emergency
24 assistance registry under Section 418.303 and with applicable
25 municipalities and counties to ensure that a wellness check is
26 conducted on each medically fragile individual listed in the
27 emergency assistance registry and located in an area that
28 experiences an event described by Section 418.305 to ensure the
29 individual has:

30 (1) continuity of care; and

1 (2) the ability to continue using electrically powered
2 medical equipment, if applicable.

3 Sec. 418.305. EVENTS REQUIRING WELLNESS CHECKS. (a) The
4 division, in collaboration with the commission and the department,
5 shall adopt rules regarding which events require a wellness check,
6 including:

7 (1) an extended power, water, or gas outage;

8 (2) a state of disaster declared under this chapter; or

9 (3) any other event considered necessary by the
10 commission, the department, or the division.

11 (b) If more than one disaster is declared for the same event,
12 or the same event qualifies as an event requiring a wellness check
13 for multiple reasons under Subsection (a), only one wellness check
14 is required to be conducted under this subchapter.

15 Sec. 418.306. REQUIREMENTS FOR WELLNESS CHECK. (a) The
16 division, in collaboration with the commission and the department,
17 by rule shall develop minimum standards for conducting wellness
18 checks. Each county and municipality shall adopt procedures for
19 conducting wellness checks in compliance with the minimum
20 standards.

21 (b) A wellness check on a medically fragile individual under
22 this subchapter must:

23 (1) include:

24 (A) an automated telephone call and text to the
25 individual;

26 (B) a personalized telephone call to the
27 individual; and

28 (C) if the individual is unresponsive to a
29 telephone call under Paragraph (B), an in-person wellness check;
30 and

1 (2) be conducted in accordance with the minimum
2 standards prescribed by division rule and the procedures of the
3 applicable county or municipality.

4 (c) A wellness check must be conducted as soon as practicable
5 but not later than 24 hours after the event requiring a wellness
6 check occurs.

7 Sec. 418.307. RULES. The division, in collaboration with the
8 commission and the department, shall adopt rules to implement this
9 subchapter.

10 SECTION ____ . As soon as practicable after the effective date
11 of this Act, the Texas Division of Emergency Management shall adopt
12 the rules necessary to implement Subchapter J, Chapter 418,
13 Government Code, as added by this Act.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 27, 2021

TO: Honorable Dade Phelan, Speaker of the House, House of Representatives

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB671 by Martinez (Relating to establishment of the disaster identification system for a declared state of disaster.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

It is assumed that the costs associated with the bill's provisions relating to establishment of the disaster identification system for a declared state of disaster could be absorbed using existing resources.

This analysis assumes implementing the provisions of the bill would not result in a significant impact on state correctional populations or on the demand for state correctional resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 300 Trusteed Programs - Gov, 303 Facilities Commission, 405 Department of Public Safety, 575 TX
Division of Emergency Management

LBB Staff: JMc, LBO, KFB, NA, AJL, DKN

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 19, 2021

TO: Honorable Charles Perry, Chair, Senate Committee on Water, Agriculture & Rural Affairs

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB671 by Martinez (Relating to establishment of the disaster identification system for a declared state of disaster.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

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This analysis assumes implementing the provisions of the bill would not result in a significant impact on state correctional populations or on the demand for state correctional resources.

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Division of Emergency Management

LBB Staff: JMc, AJL, DKN, KFB, NA

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

April 27, 2021

TO: Honorable James White, Chair, House Committee on Homeland Security & Public Safety

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB671 by Martinez (Relating to establishment of the disaster identification system for a declared state of disaster.), **As Introduced**

No significant fiscal implication to the State is anticipated.

It is assumed that the costs associated with the bill's provisions relating to establishment of the disaster identification system for a declared state of disaster could be absorbed using existing resources.

This analysis assumes implementing the provisions of the bill would not result in a significant impact on state correctional populations or on the demand for state correctional resources.

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Division of Emergency Management

LBB Staff: JMc, DKN, KFB, NA

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

**CRIMINAL JUSTICE IMPACT STATEMENT
87TH LEGISLATIVE REGULAR SESSION**

May 19, 2021

TO: Honorable Charles Perry, Chair, Senate Committee on Water, Agriculture & Rural Affairs

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB671 by Martinez (Relating to establishment of the disaster identification system for a declared state of disaster.), **As Engrossed**

The provisions of the bill addressed by this analysis would amend the Government Code as it relates to establishment of the disaster identification system for a declared state of disaster. Under the provisions of the bill, the Division of Emergency Management would include in its comprehensive state emergency plan provisions for the use of a disaster identification system to be activated upon declaration of a disaster.

This analysis assumes implementing the provisions of the bill would not result in a significant impact on the demand for state correctional resources. The bill does not expressly create a felony offense, increase the punishment for an existing misdemeanor to that of a felony, increase the punishment for an existing felony offense or category of felony level offenses, or change the eligibility of a person for felony community supervision, parole, or mandatory supervision.

Source

Agencies:

LBB Staff: JMc, AJL, LM, DGI, DKN

LEGISLATIVE BUDGET BOARD
Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT
87TH LEGISLATIVE REGULAR SESSION

April 27, 2021

TO: Honorable James White, Chair, House Committee on Homeland Security & Public Safety

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB671 by Martinez (Relating to establishment of the disaster identification system for a declared state of disaster.), **As Introduced**

The provisions of the bill addressed by this analysis would amend the Government Code as it relates to emergency management. Under the provisions of the bill, the Division of Emergency Management would include in its comprehensive state emergency plan provisions for the use of a disaster identification system to be activated upon declaration of a disaster.

This analysis assumes implementing the provisions of the bill would not result in a significant impact on the demand for state correctional resources. The bill does not expressly create a felony offense, increase the punishment for an existing misdemeanor to that of a felony, increase the punishment for an existing felony offense or category of felony level offenses, or change the eligibility of a person for felony community supervision, parole, or mandatory supervision.

Source

Agencies:

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